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group of those who live at the lowermost margin. The value of such a study as this is that it breaks up this mass into distinct groups showing specific ailments, each of which may be diagnosed and treated in definite ways.

ROSWELL C. MCCREA.

University of Pennsylvania.

Saileilles, R. *The Individualization of Punishment.* Pp. xliv, 322. Price \$4.50. Boston: Little, Brown & Co., 1911.

This volume is fourth in the list of foreign works on criminology selected for translation by the American Institute of Criminal Law and Criminology. The translation from the second French edition was made by Rachel Szold Jastrow. The material was prepared originally for a course of lectures before the College of Social Sciences at Paris in 1898, and appears substantially in the same form. There has since been much progress and the author, in the preface to the second edition, says: "On many points the volume no longer represents the views of contemporary science; on some issues it no longer expresses my own opinion, or at least not as I should now express myself if I were called to give my views." The change of views, however, both on the part of contemporary science, and of the author, is not fundamental but rather incidental modifications of the details of a system which was then in its initial stages but which has since become a generally established procedure.

The administration of justice by abstract formula was the product of the classic school of philosophy of crime. The arbitrary power of the magistrate was curtailed by the fixing of hard and fast limits, attaching a definite penalty to each specific crime.

While certain radical theories of the modern or scientific school of criminology have been discredited the theories as a whole have resulted in changes little less than revolutionary.

Throughout the modern world a change has come in ideas of criminal justice. To-day it is not the nature of the crime but the character of the criminal that is coming to be regarded as the proper criterion for dealing with the offender. Criminal law remains conservative, especially in the United States, and extra-legal means have been sought through which to obtain justice and at the same time preserve the forms of the law.

It is this individualization of punishment to fit the character of the criminal that the author has endeavored to sketch. He begins with a chapter on The Statement of the Problem, in which he makes clear the distinction between the old objective point of view in which the consequences of the criminal act were of chief importance, and the subjective, in which the character of the criminal constitutes the real social menace. Chapter two is called The History of Punishment, but deals with the conflict of views and their effects rather than a real historical narrative of punishment. Three succeeding chapters deal respectively with the classical, neo-classical, and Italian schools of criminology with special reference to the bearing of the theories upon punishment. The doctrine of responsibility is developed in the sixth and seventh chapters with an attempt at reconciliation between the theories of free will and determinism. The remaining

chapters are devoted to a discussion of legal, judicial, and administrative individualization.

Modern criminologists may dissent from some of the conclusions presented, but the principle of individualization as manifest in the treatment of juvenile offenders as well as in the methods of indeterminate sentence, parole and probation for adults, has become thoroughly established. The permanent value of the volume and the justification for its presentation to English readers lies rather in its historical contribution than in its ultimate solution of the problems with which it deals.

J. P. LICHTENBERGER.

University of Pennsylvania.

Scott, J. B. (Ed.). *Fisheries Arbitration Argument of Elihu Root.* Pp. cli, 523.

Price \$3.50. Boston: World Peace Foundation, 1912.

As Secretary of State, Mr. Root took the leading part in framing the issues in the North Atlantic Fisheries Arbitration. As leading counsel for the United States before the special tribunal of the permanent court at the Hague in 1910 he made the chief argument in presenting the American side of the case. His argument has therefore a personal as well as a national interest.

The award settled a dispute which was long a sore point between the two great Anglo-Saxon nations, and is of more than local interest because of the important points of international law which it involved. Mr. Root's argument, while it must, of course, be an incomplete record of the claims presented, since no discussion is given of the arguments by the other American and by the English counsel, gives an excellent exposition of the points of law urged by the United States.

The argument proper is preceded by an introduction of one hundred and fifty pages by the editor which gives the historical setting of the controversy, a review of the negotiations leading up to the arbitration and an analysis of the award itself.

Then follows the four hundred page argument of Senator Root. The chapters arranged under the seven questions which were submitted for settlement are fine examples of cogent logic and easy description. Of course the interest of Americans tends to concentrate in the decisions on the Headlands controversy and the overruling of the American contention that the fishing privileges amounted to an international servitude. However well supported the latter contention is in the argument, the reader cannot avoid feeling that the decision in the award was in accord with substantial right. In the Headlands decision the rule established is less satisfactory, for while the effect of the decision is confined to the case under trial, and therefore does not touch the general rule of international law, it cannot but be felt that the confusion which still remains concerning jurisdiction in the bays from which American vessels are held excluded is unfortunate. The latter portion of the book is devoted to documents illustrating the various phases of the controversy at different times during the development.

As an accurate and compendious summary of the questions involved in the fisheries dispute and the American contentions in relation thereto, this volume takes first rank.

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